

Sea Level Rise Advisory Committee Meeting

April 26, 2013



Delaware's Sea Level Rise Initiative



Meeting Goals

- Review and make any necessary changes to Recommendations
- Approve a set of Recommendations to submit to DNREC Secretary
- Review and make any necessary changes to Guiding Principles
- Approve a set of Guiding Principles for inclusion in final document
- Review timeline for completing Committee work



A SLR Adaptation Plan for Delaware

- A call to Action
- A document that explains, informs and guides adaptation responses
 - ✓ Guiding Principles
 - ✓ Case Studies
 - ✓ Builds in Flexibility
- Outlines recommendations to to build capacity to adapt to sea level rise



Substantive Changes Made to Recommendations based on April Meeting

- Deleted #3 and #9 → incorporated into #2
 - ✓ These dealt with transportation coordination
- Deleted #12 → Incorporated into #59
 - ✓ Land use ordinances included as a topic to develop guidance for
- Deleted #60 → combined into #61
 - ✓ Both dealt with costs and benefits



Substantive Changes...

- Changed title of #16 and updated description
 - ✓ To “consider slr implication in future updates to the state CZA regs
- Revised text description of #35 (homebuyer education)
 - ✓ Removed mention of disclosure; emphasized ability to get info
- Added a #62, under the heading “expand funding opportunities for adaptation planning and implementation projects”
- Also included minor non-substantive text changes throughout for readability and incorporating public comments

#16 Coastal Zone Act

- Consider sea level rise implications in future updates to the state Coastal Zone Act regulations. for changes that would increase flexibility for industries to adapt their shorelines and facilities to sea level rise. Delaware's Coastal Zone Act prohibits new heavy industrial uses in the sensitive coastal zone and requires permits and environmental offset projects for modifications to existing heavy industrial facilities. The regulations, as written, Existing heavy industry in the coastal zone is very important to Delaware's economy; these facilities should be allowed the flexibility to adapt to sea level rise. do not address sea level rise and could be a disincentive for site specific adaptation options like raising building heights, shoreline stabilization or drainage improvements. Sea level rise considerations, including the potential future need for shoreline improvements, drainage improvements and facility upgrades, should be included in any future regulatory updates.



#35 Homebuyer education

Improve the ability of homebuyers to investigate a property's potential vulnerability to sea level prior to purchase . ~~Sellers of real estate in Delaware must disclose information about their property to potential buyers on Delaware's Seller's Disclosure of Real Property Condition Report. Information that must be reported includes whether the property lies within a 100-year floodplain or has existing drainage issues, but does not include the potential future risk of sea level rise. Although the majority of properties likely to be affected by sea level rise also lie within a 100-year floodplain, impacts to the property from a storm could be temporary, while inundation from sea level rise could result in permanent loss of the property. Homebuyers' access to information about future sea levels should be improved through development of a comprehensive website that illustrates current flooding and future sea level rise inundation risks. In addition, prospective homeowner understanding of flood risks should be increased through increased interactions with local city planners. For example, the City of Newark has a successful program where prospective homeowners meet with land use planners prior to purchase to review the property and surrounding land uses. A similar model could be employed in other municipalities and could include sea level rise information. The feasibility and economic impact of updating the Seller's Disclosure to include sea level rise should be investigated and compared to other methods of improving homeowner education, such as meetings with land use planners prior to purchase (a model which is used by the City of Newark), prior to moving forward.~~



#62 Funding

Expand Funding Opportunities for Adaptation Planning and Implementation Projects:

Convene an expert panel to provide an assessment and analysis of funding options for adaptation. At the current time, there is little specific information available regarding the potential cost of adaptation in Delaware. Because costs are not exactly known, it is difficult to recommend a particular course of action. An expert panel should be brought together to investigate the suite of options that are available to state and local governments, as well as individuals, to fund future adaptation options. Included in this analysis should be traditional revenue generators such as taxes and fees, but it should also include innovative funding mechanisms such as special tax districts, incentives and cost-share programs. The analysis should utilize the preliminary funding options formulated by the Sea Level Rise Advisory Committee and public comments received during the Adaptation Engagement Sessions in February 2013 as a baseline. These comments are available in Appendix XX



Add'l changes submitted by LWV

Substantive Changes, Discuss:

- **Reword title of #10** -- **Strongly** encourage **regional planning agencies and DelDOT** to **work together on** early transportation planning and conceptual infrastructure design for sea level rise adaptation.
- **Reword title of #11.** **Facilitate** ~~Allow for~~ the connection of individual septic systems to community **waste water treatment** ~~septic~~ systems with excess capacity when human safety and welfare are at risk.
- **Reword title of #16** (see next slides)
- **Reword #35** (see next slides)

Changes not substantive: Recommend incorporating

- **Reword title of #20.** Incorporate sea level rise considerations into municipal **and county** comprehensive development plans.
- **Reword #24:** Develop a statewide retreat plan **and update it periodically**
- **Reword # 29:** 29. Develop comprehensive wetlands restoration, **protection and retreat** strategies in response to sea level rise.
- **Reword #33:** Develop a comprehensive outreach strategy to educate **all Delawareans** ~~publie~~ about sea level rise.



LWV Recommended change #35

- **Improve the ~~ability of~~ level of information provided to homebuyers to ~~investigate~~ regarding a property's potential vulnerability to sea level prior to purchase.**

Homebuyers' access to information about future sea levels should be improved through development of a comprehensive website that illustrates current flooding and future sea level rise inundation risks. **Prospective buyers should be informed by the state about the existence and nature of the web site, which should be updated from time to time with the latest projections of how the relative sea level at the Delaware Coast is expected to change with time - along with an estimate of the uncertainties - based on the best available science.** In addition, prospective homeowner understanding of flood risks should be increased through increased interactions with local city planners. For example, the City of Newark has a successful program where prospective homeowners meet with land use planners prior to purchase to review the property and surrounding land uses. A similar model could be employed in other municipalities and could include sea level rise information.

LWV Recommended Change

- **16. Incorporate** ~~Consider~~ sea level rise implications in future updates to the state Coastal Zone Act regulations. **At some future time it may be necessary to consider redefining the boundary of the state's Coastal Zone as described in the Act of 1971, however no change is needed at this time.**



Recommendations v. Guiding Principles

■ Recommendations

- ✓ Implementable
- ✓ Increases ability to
 - *determine how to adapt*
 - *to implement adaptation projects*
- ✓ Included in Adaptation Recommendations Section

■ Guiding Principles

- ✓ Provides a “framework” for making decisions about on-the-ground adaptation
- ✓ Captures some of SLRAC ideals/ethical conversations
- ✓ For all “adapters”
- ✓ Included in “Adaptation in Practice” Chapter

Guiding Principles: 1-8

- Begin adaptation planning and implementation. Adjust and make improvements as more information is available.
- Avoid unnecessarily prescriptive adaptation actions. **Empower** decisions at the local level.
- Incorporate adaptation into existing programs and mechanisms, so as to not create a new bureaucracy.
- Engage broad public participation in adaptation decisions.
- Use the best available science and technology for decision-making and adaptation actions.
- Coordinate and consider consequences of adaptation between jurisdictions and between resource types
- Strike a balance between protection of homes, infrastructure and conservation of natural resources
- Strive for equity in selection and funding of adaptation measures
 - ✓ Consider impacts to environmental justice communities
 - ✓ Consider trade-offs between adaptation projects up-state and down-state
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Guiding Principle #9

9a: Encourage adaptation projects where costs are shared between all who benefit

OR

9b: Encourage development of funding mechanisms based on fairness, equity and justice for all citizens.

- ✓ Those who benefit the most from public investment in sea level rise adaptation efforts should contribute the most to their cost
- ✓ Public investment in sea level rise adaptation should be directed toward endeavors that benefit the most citizens possible
- ✓ Public investment in sea level rise adaptation should be considered and weighed against the many needs of Delaware's citizens as opposed to creating a dedicated funding source
- ✓ Fee based funding options, if developed, must be user-related (such as motor fuel taxes that pay for roadway maintenance) Second option submitted by SLRAC member



Timeline

Date	Milestone
May 23	SLRAC Vote to approve list of Options as Recommendations and set of Guiding Principles
June 7	First draft of document emailed to SLRAC
June 28	Comments on first draft due to DCP, and Dissenting Opinions
July 15	Final Draft Adaptation Plan to SRLAC for final review
Aug 15	SLRAC Meeting – Signing of Document (and cake!)
Sept 14-22	Sea Level Rise Awareness Week in Delaware
Sept 30	Document formatted and printed and ready for Public Release and/or Press Event and more cake.

